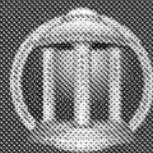


U.S. Department of Justice
Federal Bureau of Investigation

FBI ETHICS POCKETGUIDE



FIDELITY★BRAVERY★INTEGRITY



Published in 2020 by the FBI
Office of Integrity and Compliance (OIC)



IN THIS GUIDE

INTRODUCTION ★ ★ ★ ★

This publication is a “plain English” pocketguide to the ethics laws and regulations that apply to FBI employees. It is not meant to cover every ethics situation or all of the details of the statutes and regulations. For a more detailed explanation of the ethics policies and rules that guide each of us, see the FBI Ethics and Integrity Program Policy Guide. Furthermore, this pocketguide is not intended to replace the advice of FBI ethics counselors. It is intended to give a basic framework to respond to everyday ethics questions. If you have an ethics question, you should contact your Chief Division Counsel (for field office employees), your designated ethics counselor (for headquarters divisions), or the Office of Integrity and Compliance (OIC) ethics attorneys (for all employees). Provide your ethics counselor with all relevant facts, to ensure that you receive sound advice and **always do the right thing, the right way.**

Ethics: FBI Core Values in Action

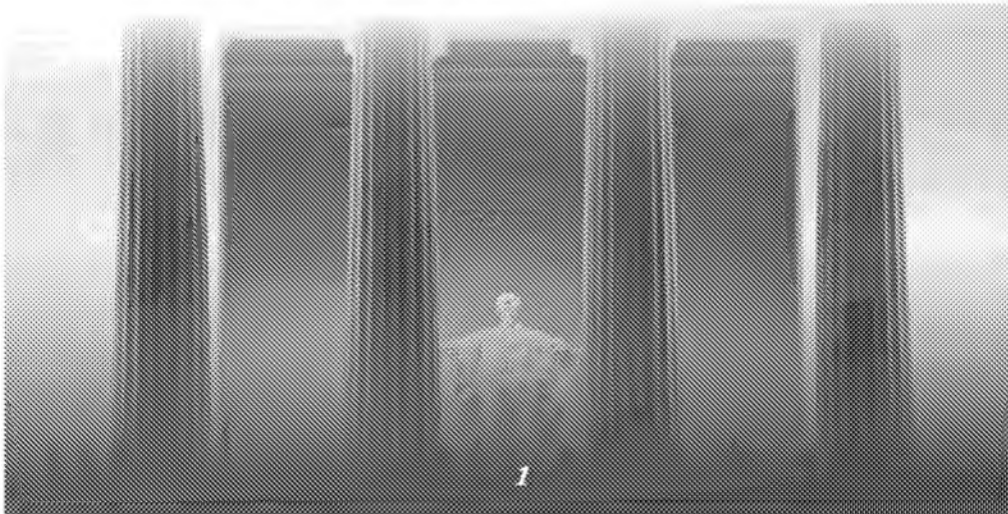


TABLE OF CONTENTS

FBI CORE VALUES	4
FBI MOTTO	5
BASIC OBLIGATIONS OF PUBLIC SERVICE	6
FBI CODE OF CONDUCT	7
COMPLIANCE PRINCIPLES	8
APPEARANCES	9
CONFLICTS OF INTEREST	10
CONFLICT LAWS	10
NEW EMPLOYEES	10
NEW EMPLOYEES - ATTORNEYS	11
EXEMPTIONS AND REMEDIES FOR CONFLICTS	11
CONTRACTORS (CONTACTS WITH CONTRACTORS)	13
DO'S AND DON'TS IN MEETING WITH CONTRACTOR PERSONNEL	13
FUNDRAISING IN THE WORKPLACE	16
FINANCIAL DISCLOSURE (DISCLOSURE OF FINANCIAL INTERESTS)	18
OGE 278 PUBLIC FINANCIAL DISCLOSURE REPORT	18
OGE FORM 450 CONFIDENTIAL FINANCIAL DISCLOSURE REPORT	19
GAMBLING	20
GIFTS	21
GIFTS FROM DOMESTIC AND PRIVATE SOURCES	21
THINGS THAT JUST AREN'T GIFTS	21
GENERAL RULE	21
EXCEPTIONS TO THE GIFT PROHIBITION	22
GIFTS FROM FOREIGN GOVERNMENTS	24
GIFTS TO THE FBI	25
GIFTS BETWEEN EMPLOYEES	26
INTEGRITY	27
NEPOTISM	28
PERSONAL RELATIONSHIPS	28
PREFERENTIAL TREATMENT	29
PROCUREMENT INTEGRITY ACT	29
PURCHASE OF FORFEITED PROPERTY	29
OUTSIDE EMPLOYMENT	30
OUTSIDE ACTIVITIES	31

TABLE OF CONTENTS

TEACHING, SPEAKING, AND WRITING	31
MEMBERSHIP IN AN OUTSIDE ORGANIZATION	32
REPRESENTATIONAL RESTRICTIONS	33
SERVING AS EXPERT WITNESS	34
POLITICAL ACTIVITIES	35
RETRIBUTION	36
TRAVEL	37
TRAVELING ON OFFICIAL BUSINESS	37
TRAVEL EXPENSES OFFERED BY OUTSIDE SOURCES	37
FREQUENT FLYER BENEFITS	38
BUMPING RULES	39
USE OF NON-PUBLIC FBI INFORMATION	40
USE OF OFFICE	41
USE OF PUBLIC OFFICE OR POSITION FOR PRIVATE GAIN	41
ENDORSEMENT	41
LETTERS OF RECOMMENDATION	42
USE OF FBI PROPERTY	43
LIMITED PERSONAL USE OF GOVT PROPERTY AND TIME	43
USE OF COMPUTERS AND THE INTERNET	44
USE OF GOVT CARS (BU CARS)	45
TELEPHONE/CELL PHONE/BLACKBERRY USE	46
USE OF GOVT TRAVEL CARDS	46
USE OF TRANSIT SUBSIDY (JETS)	46
USE OF FBI TIME	47
POST-FBI EMPLOYMENT	48
SEEKING POST-FBI EMPLOYMENT	48
THE PROCUREMENT INTEGRITY ACT	48
RESTRICTIONS ON POST-FBI EMPLOYMENT	49
REPRESENTATIONAL RESTRICTIONS	49
ADDITIONAL LAWS THAT APPLY TO SENIOR FBI EMPLOYEES	50
POCs	51
ETHICS, COMPLIANCE AND FRAUD POCs	52

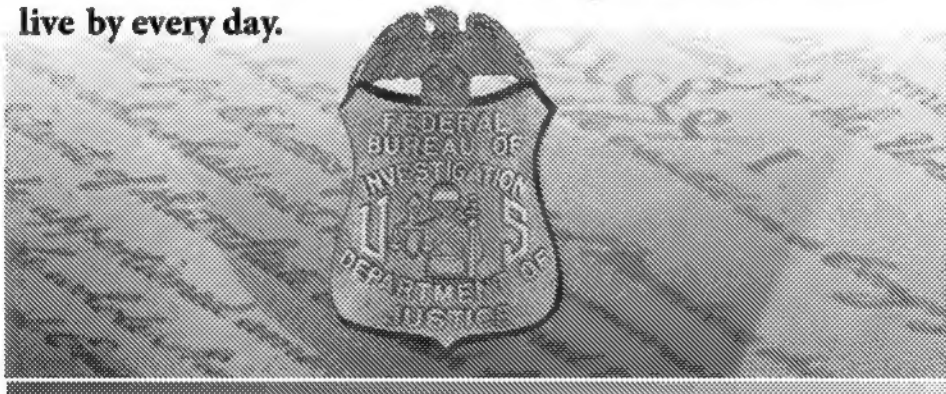
FBI CORE VALUES

CORE VALUES

The FBI's Core Values are:

- 4 • Rigorous obedience to the **Constitution** of the United States.
- **Respect** for the dignity of all those we protect.
- **Compassion**, extending care and concern whenever possible.
- **Fairness**, enforcing the law without fear of favor.
- Uncompromising personal and institutional **Integrity**.
- **Accountability** by accepting responsibility for our actions and decisions and their consequences.
- **Leadership**, by example, both personal and professional.
- Our institutional strength lies in our **Diversity**.

These are not just words, they are the values that we, the men and women of the FBI, operate under and live by every day.



FBI MOTTO

FBI MOTTO

“Fidelity, Bravery and Integrity.”

5

Fidelity “to the right things.”

Bravery “in the face of adversity.”

Integrity “in all things.”



OBLIGATIONS

OBLIGATIONS

6

Basic Obligations of Public Service: Executive Orders (EOs) 12674 and 12731. See also the General Ethics Principles under 5 C.F.R § 2635.101(b)(1)-(14).

Bedrock Standards of Ethical Conduct: To ensure public confidence in the integrity of the FBI, each employee is expected to adhere to these fundamental principles of ethical behavior:

- Public service is a public trust, requiring you to place loyalty to the Constitution, the laws, and ethical principles above private gain
- Do not hold financial interests that conflict with your official duties
- Do not misuse non-public information
- Do not solicit gifts
- Make no unauthorized promises purporting to bind the FBI or the Government
- Put forth honest effort in the performance of your duties
- Do not engage in outside employment or activities that conflict with official duties
- Disclose waste, fraud, abuse, and corruption to appropriate authorities
- Satisfy the obligations imposed on citizens by law
- Adhere to the laws and regulations that provide equal opportunities for all Americans regardless of race, color, religion, gender, sexual orientation, age, or disability
- Do not use public office for private gain
- Act impartially and do not give preferential treatment to any private organization or individual
- Protect and conserve FBI property
- Avoid any actions creating an appearance that you are violating the law or the Standards of Ethical Conduct

FBI CODE OF CONDUCT

FBI CODE OF CONDUCT

FBI Code of Conduct

7

The FBI enjoys a reputation as one of the finest law enforcement organizations in the world. This reputation is largely dependent upon how each of us conducts ourselves, both in our official and personal capacities. All FBI employees are expected, therefore, to act in accordance with the highest standards of personal honor and integrity. Although there are many aspects to this requirement, they may be distilled down to the following "Code of Conduct." **FBI employees shall:**

1. Ascertain and understand what laws, regulations, and rules govern their official activities and conform their professional conduct accordingly.
2. Apply the Principles of Ethical Conduct, the FBI Motto, and the FBI Core Values in the daily conduct of their personal and professional activities.
3. Obey the Standards of Ethical Conduct for the Executive Branch and pertinent DOJ and FBI regulations and policies.
4. Conduct their personal activities in a manner that does not impede their professional performance or tarnish the reputation of the FBI.
5. Report to proper authority any violations of law and regulation by themselves or others.
6. Refrain from retaliating against employees who, reasonably believing them to be true, report the violation of laws and regulations.
7. Tell the truth in all matters.

COMPLIANCE PRINCIPLES

COMPLIANCE PRINCIPLES

Compliance Principles

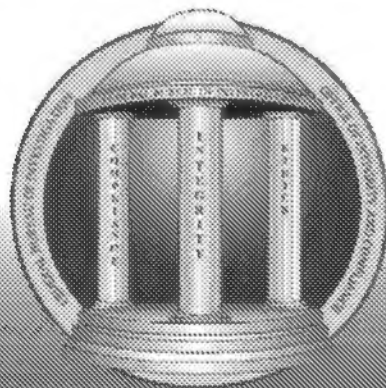
8 It is the FBI's responsibility to:

- Provide guidance as to the rules that apply to your duties
- Train you on the rules
- Monitor critical FBI activities to ensure compliance
- Provide an environment where persons who report non-compliance will not be retaliated against

Each FBI Employee Must:

- Know the rules that govern the conduct of his/her duties
- Look up the rules or ask about them when in doubt
- Comply with the spirit and letter of the rules
- Report any non-compliance

Note: To Report Compliance Concerns See "Compliance POCs"



APPEARANCES

APPEARANCES

Appearances

You should be careful that you do not act in a manner that would tend to create the appearance that you are violating the law or the ethical standards. The FBI has long recognized that FBI employees must act in a manner that will earn the trust and support of the American people in order to perform our mission.

You should avoid actions that give the appearance of:

- Using public office for private gain
- Giving preferential treatment to any person or entity)
- Impeding government efficiency or economy)
- Losing impartiality)
- Knowingly making unauthorized commitments or promises of any kind purporting to bind the Government
- Engaging in outside employment or activities, including seeking or negotiating for employment, that may conflict with official duties and responsibilities
- Using non-public government information or allowing the improper use of such information to further any private interest
- Adversely affecting the confidence of the public in the integrity of the Government

"The most effective weapon against crime is cooperation...the efforts of all law enforcement agencies with the support and understanding of the American people." J. Edgar Hoover

CONFLICTS OF INTEREST

CONFLICTS OF INTEREST

Conflicts of Interest

You should avoid situations where your official actions affect or appear to affect your private interests, financial or non-financial.

Criminal conflict of interest laws subject us to criminal penalties for violations. Here is a summary of the laws:

- 10 Conflicts of Interest Generally.** You may not participate personally and substantially in a matter in which you, your spouse, minor child, or general partner has a financial interest. This prohibition also applies if an organization in which you serve as an officer, director, trustee, or employee has a financial interest; or if a person or organization with which you are negotiating for future employment has a financial interest. 18 U.S.C. § 208.

Supplementation of Federal Salary Prohibited. You may not receive any supplementation of your Government salary from any source except the Government for performing your official duties. 18 U.S.C. § 209.

Bribes and Illegal Gratuities Prohibited. You cannot directly or indirectly receive or solicit anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing fraud. 18 U.S.C. § 201.

New Employees. In certain circumstances, you may not be able to maintain a financial relationship with a former employer or accept a severance payment or moving expenses from a private source. For further guidance consult the FBI Deputy Designated Agency Ethics Official (DDAEO); aka, the FBI's Chief Ethics Official, who also serves as the Assistant Director (AD) of the Office of Integrity and Compliance (OIC).

Note: If you received a payment in excess of \$10,000 from a former employer that was not pursuant to an employee benefit plan, you must disqualify yourself from matters affecting that former employer for two years unless you receive a waiver.

CONFLICTS OF INTEREST

CONFLICTS OF INTEREST

New Employees - Attorneys

If you are an attorney, you will have to disqualify yourself in cases you handled before entering the Government, and from other matters involving your former law firm or clients for a certain period.

Generally, you will not be allowed to remain on leave of absence from a law firm or another business entity while with the FBI. See the FBI DDAEO about any repayment of your capital contributions over time, or about retaining an interest in a contingent fee.

FBI attorneys are expected to comply not only with the rules in this pocketguide, but also with relevant professional codes of conduct. Consult the DOJ Professional Responsibility Advisory Office (DOJ-PRAO) for advice on which codes apply and what they require. The DOJ-PRAO office can be reached at: 202-514-0458 or via e-mail at: <doj.prao@usdoj.gov>.

Exemptions and Remedies for Conflicts

If you have a financial conflict of interest or believe your impartiality might be questioned, you must either disqualify yourself from taking action that could affect your interest, or see your ethics counselor about the following alternatives:

Exemptions:

- When participating in a matter affecting your financial interests, you have an unlimited exemption for holdings in a diversified mutual fund and for certain employee benefit plans where the underlying holdings may be affected by the matter. In addition, you have an exemption of \$50,000 for aggregated interests in sector mutual funds that may be affected by a matter in which you participate. You also have an exemption for interests in publicly-traded securities not to exceed \$15,000 in parties to a matter and \$25,000 in non-parties affected by the matter. You also have an exemption of \$25,000

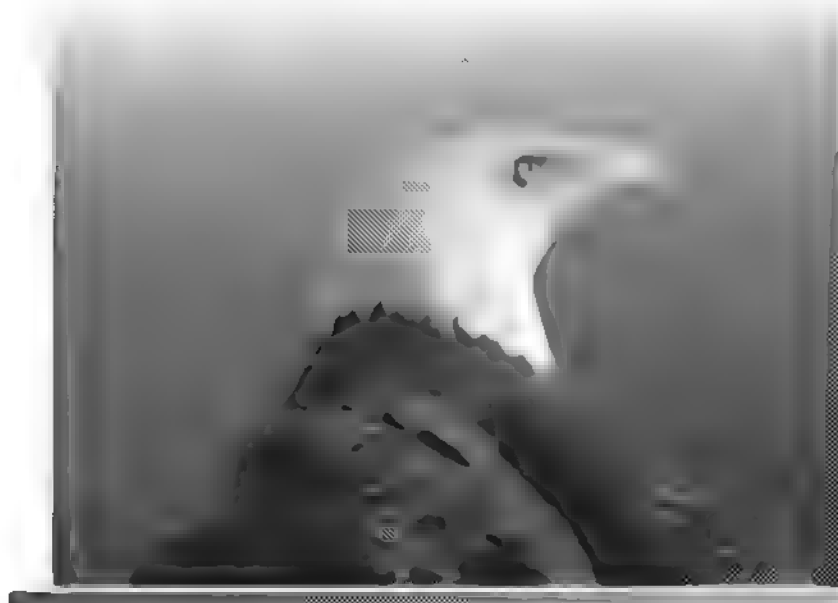
CONFLICTS OF INTEREST

CONFLICTS OF INTEREST

per asset when participating in a matter of general applicability, such as regulations and most legislation, with a combined limit of \$50,000 in all entities affected by the matter.

Remedies:

- In the case of a financial interest, you may seek a waiver of the prohibition under 18 U.S.C. § 208(b), or divest yourself of the interest. Note: these waivers are rarely given.
- In a case where your impartiality might be questioned, you may obtain a formal determination, under 5 C.F.R. § 2635.502(d), from the FBI DDAEO that the FBI's interest in your participation outweighs the concern that the integrity of the FBI's operations would be questioned.



CONTACTS WITH CONTRACTORS

CONTRACTORS

Contacts with Contractors

Do's and Don'ts in Meeting with Contractor Personnel. Interactions between FBI employees and contractor personnel are essential. FBI employees must remember that the laws, regulations, and policies governing Government procurement practices require FBI business to be fully transparent and conducted fairly. If you have any doubts about the propriety of any contacts, then you should first talk to the relevant FBI Contracting Officer (CO), an OGC procurement law attorney, or an OIC ethics attorney, to obtain guidance.

General. The following general guidelines apply to all contacts with contractor personnel including, but not limited to, companies that contract with the FBI and U.S. Government, potential contractors and their employees:

You may --

- Research contractor products, services, and performance online; through trade publications, journals, and other publicly available sources; and by reviewing company-specific literature to determine what products and services may meet current or future FBI needs
- Provide information that is in the public domain to vendors or contractors regarding FBI programs, operations, or facilities
- View vendor displays and question contractor representatives about their company's products or services at professional conferences, individual vendor hosted events, general trade shows, and FBI-arranged industry day events
- Attend these events on FBI time and in your official capacity if your supervisor approves attendance and the FBI pays any applicable registration fee
- Attend these events on your personal time, or while on approved administrative leave, if: (1) the event is free to the public; (2) you pay any registration fee with your own funds; or, (3) the event organizers offer to waive the registration fee, and you obtain approval from the FBI DDAEO under the "widely attended gathering (WAG)" exception to the "no-gifts" rule (See the Gifts section)

CONTACTS WITH CONTRACTORS

CONTRACTORS

You may not --

- Provide/appear to provide preferential treatment to any one contractor
- Discuss current or future FBI needs and requirements with any contractor unless approved by the applicable Contracting Officer (CO)
- Provide unauthorized non-public information to any contractor
- Solicit or accept any free service, equipment, or product on behalf of the FBI unless approved by the FBI DDAEO
- Solicit or accept (or permit your family to accept) a personal gift from a contractor unless permitted under the Standards of Ethical Conduct
- Solicit fundraising contributions from contractors
- Permit contractors to host non-FBI events on FBI property
- Give contractor personnel (even contractors who are former FBI employees) access to FBI facilities if not contractually required
- Permit contractors to use the FBI seal, initials, name or other indicia of official authority without permission from OGC
- Participate in any official matter that may affect your own financial interest or the financial interests of a member of your family or any organization or entity with which you are affiliated
- Participate in any official matter that may affect the financial interests of your close friends, extended family members or similarly situated persons without receiving permission to proceed by the FBI DDAEO
- Discuss any official business with a former SES FBI employee who is, or may be, representing a contractor or some other party for one year after the former SES's retirement or resignation from the FBI

No Procurement Pending. If you are not involved in a current or pending procurement, then:

You may --

- Meet socially with contractor personnel, including former FBI colleagues, so long as you do not discuss FBI needs, requirements, or other official business

CONTACTS WITH CONTRACTOR

CONTRACTORS

- Meet individually with vendors, after receiving the approval of the applicable CO (who requires sufficient notice so he/she may elect to attend) in order to collect information about the vendor's products and services. However, you must extend the same opportunity to all similarly situated vendors. If you do meet with a vendor under this provision, then you must document the meeting and the topics discussed

Pending Procurement. If you are involved in a current or pending procurement, then:

You may not --

- Meet socially with personnel from any potential vendor, including former FBI colleagues, during the pendency of the procurement without permission from the CO
- Meet individually with any potential vendor without first notifying and obtaining permission from the applicable CO

Post-award. After contract award:

You may --

- Arrange and attend meetings with contractor personnel to discuss the performance and management of the contract after notifying the CO

You may --

- Authorize contractor personnel to attend FBI training or events without permission from the appropriate CO
- Discuss current or future needs not encompassed within the scope of the existing contract
- Entertain any discussions regarding contract modifications, renewals, exercise of options, or similar topics with the contractor

FUNDRAISING IN THE WORKPLACE

FUNDRAISING

Fundraising Outside the Workplace

You may not personally solicit funds or other support that:

- Involves soliciting a subordinate or soliciting any person the employee knows is a prohibited source (e.g., contractors or subjects of investigations, confidential human sources, witnesses, and victims of crimes that we investigate).
- Uses your official title, position, or any authority associated with your public office to further a non-official fundraising effort.

16

This Charity is simply outstanding, every police force should support it.
L.M. Wong, FBI Special Agent

Fundraising in the Workplace

You may only participate in four types of fundraising in the workplace:

1. Designated disasters, when authorized by both the Office of Personnel Management (OPM) and DOJ;
2. The Combined Federal Campaign (CFC), but note since 2017 major changes in the regulations prohibit fundraising at *special events* -- which must be *informational* only;
3. Pre-approved collections of "gifts in kind" (e.g., non-perishable foods, clothes, or toys to be given to a local shelter or charity) -- but not gift cards; and,
4. Pre-approved "among our own, for our own" fundraising efforts for a happy or sad occasion (e.g., flowers, gifts, or donations for an ill employee or his/her immediate family, for the birth of an employee's child/grandchild or an employee who gets married). See Gifts Between Employees section.

Federal regulations prohibit all other workplace fundraising (e.g., Girl Scout cookies, band camp candy bars, school "wrapping" fundraisers, walk-a-thon pledges, advertising any charitable fundraising event, and other such personal fundraising efforts, even for charitable organizations closely affiliated with the FBI).

FUNDRAISING IN THE WORKPLACE

FUNDRAISING

Pre-Approval Requirements:

- All workplace fundraising must be pre-approved, either through the CFC or by the FBI supervisor over those who will be solicited. For example, a unit chief can approve solicitations in the unit, a section chief in the section, a division head (e.g., SAC, ADIC, AD) of the division/office, and the AD for HRD if solicitations will cross division or office lines.
- For example, however worthy the cause, do not forward an email to another division's employee without knowing whether HRD approved the cross-division solicitation. See FBI Ethics Policy Guide, Chapter 8, for more guidance.

For CFC fundraising guidance, consult your CDC or OIC.

Meanwhile, please note:

- Since 2017, major changes in CFC regulation (5 C.F.R. § 950.502(b)) prohibit special *fundraising* events.
- Only special *informational* events are authorized.
- All donations must be made online (no collections at special events). Pledge cards must be available at all special events, but may not be collected at the event.
- The sale of food or any other items is prohibited. Chili cook-offs or similar items may be offered, but samples must be first come, first served and not tied to a CFC contribution.
- Casual clothes "Jeans Days" may be approved by the supervisor, but must be made available to all subordinates, and not only those who donated.

Official Support for Fundraising Activities:

Only CFC, "among our own, for our own," "gifts in kind," or OPM and DOJ designated disaster relief fundraisers may receive official support.

Employees may not use government space or equipment, official time, or official title or position, for any non-approved fundraising activities. The only exception to this rule is the use of approved physical or electronic bulletin boards in non-work areas, which may be used to post notices.

DISCLOSURE OF FINANCIAL INTERESTS

FINANCIAL DISCLOSURE

Disclosure of Financial Interests?

All FBI employees are subject to conflict of interest restrictions and may be required to file either a public or confidential financial disclosure report.

18

These reports are among the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and standards of conduct anti-conflict provisions covering a particular position.

Depending on your official position, grade, and employment status, you may be required to file either a public financial disclosure report (OGE 278) or a confidential financial disclosure report (OGE 450).

Note: *The Security Financial Disclosure Form (SFDF) is a similar, but a separate form. Consult your Chief Security Officer (CSO) for details.*

OGE Form 278, Public Financial Disclosure Report?

Who files this report?:?

- Senior Executive Service (SES) Employees?
- Senior Level (SL) and Scientific and Professional (ST) Employees?
- Employees serving as the Acting SES/SL/ST for more than 60 days (e.g.,? Unit Chief or Assistant Section Chief serving as the A/SC)?

OGE has established an electronic filing system for Filing OGE 278 reports. ? SES/SL employees must set up an account on www.max.gov and then visit ? www.Integrity.gov to file their report.?

An employee who files after the statutory deadline (and any extension ? periods) is subject to a \$200 late filing fee. This is a statutory requirement and ? the penalty is mandatory -- unless waived by DOJ for "extraordinary ? circumstances." ?

An employee who willfully falsifies his or her report may be subject to ? disciplinary action, civil penalties, and/or criminal prosecution by the ? Department of Justice. ?

DISCLOSURE OF FINANCIAL INTERESTS

FINANCIAL DISCLOSURE

STOCK ACT Reporting Requirements - Transaction Report

Pursuant to the STOCK Act, OGE 278 filers are required to file monthly Transaction Reports (OGE-278T) by the 15th of each month. The specific requirement states that filers **MUST** report any financial transactions concerning the sale, purchase, or exchange of stocks or commodities (NOT mutual funds) valued over \$1,000 for themselves, their spouse, and/or dependent children, not later than 30 days after receiving notification, or 45 days after the transaction takes place, whichever comes first. These reports are also filed using the Integrity system. *Each late report is subject to a \$200 penalty.* Contact an OIC ethics counselor for additional guidance.

OGE Form 450, Confidential Financial Disclosure Report

Who files these reports?

- Employees whose positions are designated by the FBI (e.g., Field SSAs, SIAs, GS-15 in the Field, CDCs, UCs, COs, and CORs)
- FBI employees who have certain duties and responsibilities related to contracting, procurement, administering or monitoring grants, licenses, audits, etc.
- Special Government Employees (SGEs)

An employee who willfully falsifies the information on his or her financial disclosure report, willfully omits information, or willfully fails to file may be subject to disciplinary action, civil penalties, and/or criminal prosecution under 18 U.S.C. § 1001 and 3571.

Note: Do not confuse these ethics-based financial disclosure reports with the Security Financial Disclosure Form (SFDF) for employees who are designated by the Security Division (e.g., those who possess SCI clearances). Contact your CSO or SecD for more information.

GAMBLING

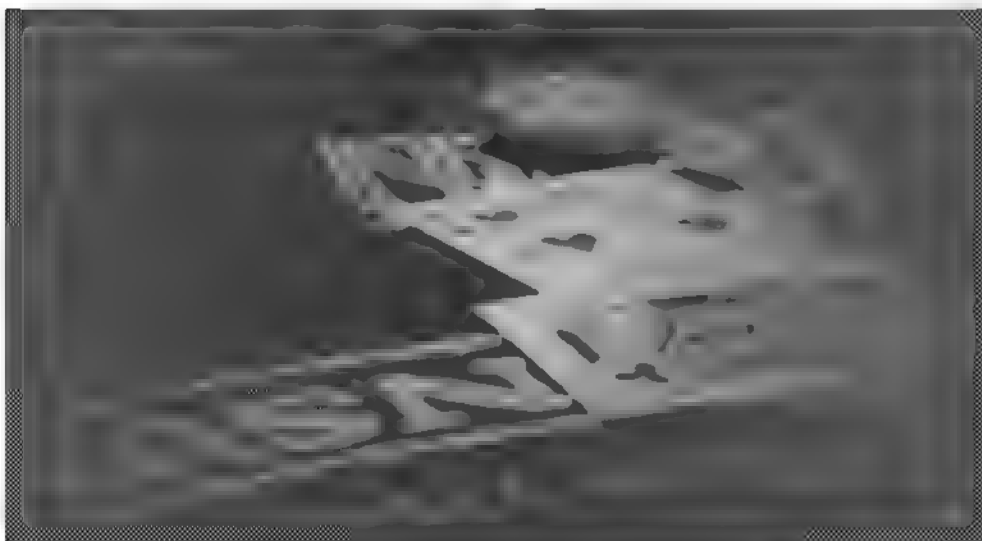
GAMBLING

Gambling Activities at Work Are Prohibited

Unless authorized by statute or regulation, all forms of gambling activities are prohibited at all times in facilities owned or leased by the Government. Federal employees may not engage in gambling activities while on duty. Gambling has three elements: (1) wagering something of value (usually money), (2) in a game of chance, and, (3) for a prize.

Prohibited gambling activities include, but are not limited to: raffles, lotteries, numbers (games), football pools, *March Madness* (basketball) pools/brackets, and fantasy football or similar sports leagues.

NOTE: Even if the pool or league is for "bragging rights only," since the vast majority are not, it may create the appearance of impropriety. Contact OIC for further guidance.



GIFTS

Gifts from Domestic and Private Sources

A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, entertainment, hospitality, loan, forbearance, or other item having monetary value.

Things That Just Aren't Gifts

The Ethics Regulations specifically exclude the following from the definition of gifts:

- Snacks (coffee, donuts, other modest food items not offered as part of a meal)
- Greeting cards, plaques, certificates, or trophies (items of little intrinsic value intended solely for presentation)
- Prizes in contests open to the general public
- Commercial discounts available to the general public or to all Government employees, such as discounts for rental cars or hotel rooms, that aren't offered or enhanced because of your official status
- Commercial loans, pensions, and similar benefits
- Anything for which you pay fair market value

The above may be accepted, unless doing so creates an appearance of impropriety.

- Also, you can accept anything which is paid for by the Government, but) such items belong and must be turned over to the Government.)

General Rule

As a general rule you may not directly or indirectly solicit or accept a gift:

- From a prohibited source; or
- Given because of your official position

A "prohibited source" includes any person, company, or organization that does business with the FBI, is seeking to do business with the FBI, conducts operations that are regulated by the FBI, or has any interests that might be affected by the performance or non-performance of your official duties.

GIFTS

For instance, a company that conducts contractual services for the FBI would be a prohibited source -- even contract employees who work in your offices are prohibited sources.

Other "prohibited sources" could include subjects of investigations, confidential human sources, witnesses, victims of crimes that we investigate, or organizations (whether for-profit or non-profit) closely affiliated with the FBI.

Note: The gift rules apply whether you are on or off duty.

Exceptions to the Gift Prohibition:

- Gifts valued at \$20 or less (retail market value), per occasion from a single source. Multiple gifts may not exceed \$50 from a single source in any given calendar year. You may not accept cash or checks made out to you under any circumstance. Also, if the gift is valued over \$20, you may not pay the difference in order to accept the gift. You must pay the full market value of the gift in order to accept it.
- Gifts based on outside business or employment relationships (e.g., because of your, or your spouse's, outside affiliations, work, or relationships).
- Awards and honorary degrees. Requires prior approval for honorary degrees, awards of cash of any amount, or items (including travel expenses) valued at more than \$200.
- Gifts based on a personal relationship, if the circumstances make it clear that the gift is motivated by a family relationship or personal friendship rather than your position. If the gift is given for business reasons, it is not covered under this exception.
- Discounts and similar benefits offered to the public, other groups that you belong to, or all Government employees. This exception includes favorable rates offered to all Government employees even when you are off duty. It also includes favorable rates and commercial discounts offered to members of a group or class in which membership is unrelated to Government employment.

GIFTS

- **Widely Attended Gatherings (WAGs).** Acceptance of free attendance at widely attended gatherings is permissible as long as your attendance is in the best interests of the FBI and approved by the responsible supervisor and the FBI DDAEO prior to accepting.
 - An event is widely attended if it is expected that a large number of persons will attend and that persons with a diversity of views or interests will be present. For example, an event may be considered a widely attended gathering if it is open to members from throughout a particular industry or profession or if those in attendance represent a range of persons interested in a given matter (e.g., a technical trade show).
 - If someone other than the sponsor of the event invited you and is paying your attendance, acceptance may be approved only if more than 100 persons are expected to attend, the gift of your attendance has a market value of \$415 or less, and attendance is in the interest of the FBI. If from a sponsor, there should be at least 40 attending.
 - Free attendance:
 - May include waiver of all or part of a conference or other fee, or the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event.
 - Does not include travel expenses, lodging, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees. Under certain circumstances, the FBI may be able to accept travel expenses from outside sources to these events as described below in the "Traveling on Official Business" section of this Guide.
- **Speaking engagements.** If you are assigned to participate as a speaker or panel participant or otherwise to present information on behalf of the FBI at a conference or other event, you may accept free attendance at the event on the day of your presentation if it is provided by the sponsor of the event. For speaking engagements, free attendance has the same meaning as for widely attended gatherings.

GIFTS

- If the event is longer than one day, and you are offered free attendance for any day(s) on which you are not assigned to present information on behalf of the FBI, waiver of the conference fee for those non-speaking days may be accepted as a gift to the FBI subject to the DDAEO's determination.

Note: You may never solicit a gift – even one that fits an exception. Also, it is never inappropriate, and frequently prudent, to decline a gift even if an exception applies. However, an impermissible gift may not be "indirectly accepted" by recommending that it be given to another, including a charity or a list of charities.

24

Gifts from Foreign Governments

In accordance with the Emoluments Clause of the U.S. Constitution, you may not accept anything of value from a foreign government, unless specifically authorized by Congress. This rule applies whether you are on or off duty. Any unit of a foreign government, whether it is national, state, local, or municipal level, is covered. It also applies to gifts from international or multinational organizations comprised of government representatives. Spouses and dependent children of Federal employees are also banned from accepting gifts from foreign governments.

However, the following gifts from foreign governments may be accepted under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342):

- Gifts of minimal value (i.e, **\$415 or less, since January 2020**). This amount is revised every three years (**\$390 in January 2017**) by General Services Administration (GSA) in consult with the Department of State.
- Transportation taking place entirely outside the U.S.
- Educational scholarships
- Medical treatment

In highly unusual circumstances, an offered gift may be accepted on behalf of the FBI. Employees should consult with an OIC ethics attorney, or your CDC, regarding disposition of such gifts. This authority is used only for items suitable for display in FBI offices and public areas, and is not generally used to accept personal items such as jewelry, watches, or rugs.

GIFTS

Gifts to the FBI

No employee may solicit a gift for the FBI without prior DOJ approval.

DOJ is authorized to accept gifts by 28 U.S.C. § 524. In turn, DOJ has delegated limited authority to the FBI to accept the following unsolicited gifts:

- (1) Gifts, other than services, valued at no more than \$150
- (2) Temporary use of non-federal facilities for predominantly internal training
- (3) Payment of travel expenses by a non-federal source in connection with the attendance of an FBI employee at certain functions related to the employee's official duties

All such gifts must be reviewed and approved by the FBI DDAEO. To facilitate review, employees must complete the applicable form:

Gift Type	Form
Devise, Bequest or Property Donation ≥ \$150	FD-1082
Devise, Bequest or Property Donation ≤ \$150	FD-1082
Use Non-Federal Facility(ies) for internal training	ERS
Payment of Travel Expenses	TRIP/934

NOTES:

- Investigative assistance or related gifts from private parties are handled differently, under the DAG memo of May 26, 2006. Consult your CDC or OIC.
- As of 2019, the FD-1082a has been combined into one FD-1082.
- The Event Request System (ERS), in TD's Virtual Academy, replaced TRUSTEE

GIFTS

Gifts Between Employees

General Rule, You:

- May not give a gift to a person above you in your supervisory chain
- May not solicit donations to buy a gift for a superior
- May not accept a gift from an employee that receives less pay than yourself

Exceptions

However, there are some exceptions to these rules. Gifts are permissible if:

- The gift is personal hospitality provided at a residence, which is of a type and value you customarily provide to personal friends.
- The gift (bottle of wine, bouquet of flowers, etc.) is given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
- The gift (other than cash) has an aggregate market value of \$10 or less per occasion, and is given on an occasion when gifts are normally exchanged.
- The gift is leave transferred under an approved agency leave-sharing plan (but not to your immediate supervisor).
- On "special, infrequent" occasions, an employee may give a gift to a supervisor that is suitable and appropriate for the occasion, including requesting donations of nominal amounts within the office for contributions towards the gift, if all donations are entirely voluntary. Employees must be free to contribute a suggested amount, a lesser amount, or nothing at all. A "special and infrequent" occasion is one of personal significance, such as marriage, illness, the birth or adoption of a child, or an occasion that terminates a subordinate-official superior relationship, such as retirement, resignation, or transfer.

IMPARTIALITY

Impartiality

See: "Use of Public Office" and "Preferential Treatment"

You should seek advice before participating in any matter in which your impartiality could reasonably be questioned. You must not participate, without authorization, in a particular matter having specific parties that could affect your financial interests or those of the members of your household. You also must not participate, without authorization, in a particular matter if one of the following is a party or represents a party in the matter: someone with whom you have or are seeking employment, or a business, contractual, or other financial relationship; a member of your household or a relative or other person with whom you have a close relationship; a present or prospective employer of a spouse, parent, or child; or, an organization in which you serve actively or have served as an employee or in another capacity within the past year.

Nepotism

Showing favoritism on the basis of family relationships is prohibited.

The FBI's policy on nepotism is based directly on the nepotism law, 5 U.S.C. § 3110, which states:

- A public official may not appoint, employ, promote, advance, or advocate for the appointment, employment, promotion, or advancement of a relative in or to any civilian position in the agency in which the public official serves, or over which he or she exercises jurisdiction or control
- An individual appointed, employed, promoted, or advanced in violation of the nepotism law is not entitled to pay
- This restriction encompasses all of DOJ

IMPARTIALITY

Personal Relationships

Employee relationships in the FBI should always be professional and courteous, consistent with FBI Core Values, Motto and Code of Conduct, and conducted in a manner that recognizes the dignity of every person with whom we come into contact.

If you are given the authority to supervise others in the FBI you must not engage in activities that may subtly or overtly coerce a subordinate to provide any personal benefit (to you or any other person) that is otherwise not authorized in the course of performing official duties. Generally speaking, employees and their supervisors must not engage in any relationship, financial or otherwise (romantic, business, or recreational) -- that:

- Negatively impacts their ability to maintain a professional and appropriate superior-subordinate relationship; or
- Otherwise adversely impacts the completion of the FBI mission.

A supervisor has greater authority and, hence, greater responsibility, to avoid creating appearances of preferential treatment or other improper conduct. As a result of this greater responsibility and the inequality inherent in the superior-subordinate relationship, a superior is held to a higher standard than a subordinate when improprieties are addressed in the disciplinary or administrative process.

For more information, see Section 4.7.7 of the Ethics Guide.

IMPARTIALITY

INTRODUCTION

Preferential Treatment

You must act impartially and not give preferential treatment to any private organization or individual.

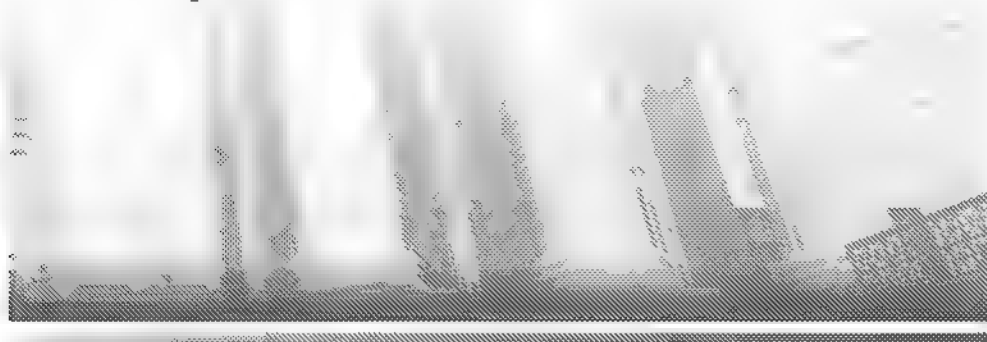
Procurement Integrity Act – 41 U.S.C. §§ 2101 - 2107

You may not disclose “contractor bid or proposal information” or “source selection information” other than as provided by law. If you have any doubt about whether information to which you have access qualifies, contact the responsible Contracting Officer.

If you participate in a procurement in excess of \$250,000, you must report to your supervisor and ethics counselor any contacts regarding potential employment from any contractor that submits an offer. You must also reject the possibility of employment by that contractor or disqualify yourself from further participation in official matters involving the procurement, unless you obtain approval to participate from your ethics counselor.

Purchase of Forfeited Property

Without written approval, you may not purchase or use property that has been forfeited to the Government and offered for sale by the FBI or the Justice Department.



OUTSIDE EMPLOYMENT

Outside Employment

With respect to outside employment, FBI employees must know that:

- FBI employees may not engage in any outside employment or other outside activity that conflicts with their official duties. Employees are prohibited from engaging in outside employment that involves: criminal matters (e.g., auxiliary police officer or dispatcher for a state, county or local police force); the paid practice of law; or, DOJ grants, or matters in which DOJ is or represents a party
- Assuming no conflict with official duties, FBI professional staff employees are generally permitted to engage in outside employment
- FBI Special Agents, as a general rule, are not permitted to engage in outside employment, with limited exceptions
- All FBI employees are required to obtain written approval prior to engaging in any outside employment
- Employees seeking to engage in outside employment must complete an FD-331 (via EPAS) to obtain written prior approval

NOTE:

- *FD-331s must be submitted within 30 days of arriving at your duty station.*
- *All outside work must take place outside official duty hours or while on authorized leave.*
- *Generally, you cannot engage in outside employment while on sick leave.*
- *Outside employment activities may not be conducted in the Government workplace or using Government time or property.*

OUTSIDE ACTIVITIES

Outside Activities

Teaching, Speaking, and Writing

Generally, you may not receive compensation, other than travel expenses, for outside teaching, speaking, or writing that relates to your official duties. For purposes of this regulation, a teaching, speaking, or writing activity relates to your official duties if:

- The activity is undertaken as part of your official duties;
- The circumstances indicate that the invitation to engage in the activity was extended to you primarily because of your official position rather than your expertise on the particular subject matter;
- The invitation to engage in the activity or the offer of compensation for the activity was extended to you by a person who has interests that may be substantially affected by the performance or nonperformance of your official duties;
- The information conveyed through the activity draws substantially on nonpublic information; or,
- The subject of the activity deals in significant part with:
 - A matter to which you are presently assigned;
 - Which you have been assigned during the previous year; or,
 - Any ongoing or announced policy, program, or operation of the FBI.

Exception for Teaching Certain Courses.

You may accept compensation for teaching a course requiring multiple presentations offered as part of the regularly established curriculum of an accredited institution of higher education, a secondary school, an elementary school, or a program of education sponsored and funded by the Federal Government or by a state or local government. You may only receive compensation under these circumstances for outside teaching, not for teaching carried out as part of your official responsibilities, and Special Agents have additional restrictions.

OUTSIDE ACTIVITIES

Reference to Official Position. If you are engaged in teaching, speaking, or writing as an outside activity, you may not use or permit the use of your official title or position except:

- You may include your title or position as one of several biographical details when such information is given to identify you, provided that your FBI position is not given more prominence than other significant biographical details.
- You may use your title or position in connection with an article published in a scientific or professional journal provided that it is accompanied by a *disclaimer that the views expressed do not necessarily represent the views of the FBI, DOJ or the United States Government.*
- If you are ordinarily addressed using a general term of address such as "The Honorable," or a rank, such as a military or ambassadorial rank, you may use that term of address or rank.

Note: Before engaging in any outside teaching, speaking, or writing for compensation, make sure you submit an FD 331 and obtain pre-approval.

Membership in an Outside Organization Personal Capacity Involvement

- Mere membership, in your personal capacity, in any outside organization (e.g., Boy & Girl Scouts, YMCA, church organizations, homeowner's association, etc.) is permitted without FBI DDAEO approval. The same applies to memberships in organizations that overlap with your professional duties (e.g., an FBI fingerprint expert who is a member of the Fingerprint Society of XYZ without acquiring FBI approval).
- Service as an officer or member of a board of directors of a non-Federal entity is generally permitted, but you must obtain pre-approval. This approval must be documented on an FD-331 within 30 days once at your duty station.
- **Note:** Employees must consult with their CSO, since SecD policy may require an FD-331 be submitted prior to any participation in an outside organization. OIC policy is only when beyond simple membership.

OUTSIDE ACTIVITIES

- FBI employees who serve as officers or members of a board of directors to a non-Federal entity in their personal capacity must adhere to all conflict of interest regulations and rules governing representation of others before the U.S. Government. In addition, if an employee serves as an officer or board member in a non-federal entity in his/her personal capacity and is asked to participate in the organization in an official capacity (e.g., to speak on behalf of the FBI at a conference, participate in a working group, etc.), the employee must contact OIG before proceeding.

Official Capacity Involvement

- Service as an officer or member of a board of directors of an outside organization in one's official capacity is generally prohibited and exceptions to this policy are infrequently authorized. Such service must be approved by the Department of Justice and all requests must be routed through the FBI DDAEO.
- As an alternative to serving as an officer or member of a board of directors for such entities, an FBI employee may be appointed to serve as an FBI observer or liaison to a non-Federal entity. In this capacity, employees:
 - Represent FBI interests to the non-Federal entity in an advisory capacity only. Appointment as a liaison requires a determination by the employee's supervisor that there is a significant and continuing Bureau interest to be served by such representation
 - May not be involved in matters of management or control of the non-Federal entity
 - May officially represent the FBI in discussions of matters of mutual interest with non-Federal entities provided it is made clear to the non-Federal entities that the opinions expressed by the liaison do not bind the FBI
 - Complete an FD 331

Other Outside Activity Considerations

Representational Restrictions

FBI employees may not represent someone before an agency or court of the Federal Government, with or without compensation, on a matter in which the

OUTSIDE ACTIVITIES

U.S. is a party or has a substantial interest. For example, you may not assist a) neighbor with an immigration problem by calling U.S. immigration) personnel on the neighbor's behalf -- whether for free or for compensation.)

The law:

- **Restrictions on Compensated Representational Activities.** You may not receive compensation for the representation of anyone before an agency or court of the Federal Government on a matter which the U.S. is a party or has a substantial interest. This prohibition applies whether or not you personally render representation. 18 U.S.C. § 203.
- **Restrictions on Acting as an Agent or Attorney.** You may not represent someone before an agency or court of the Federal Government, with or without compensation, on a matter in which the U.S. is a party or has a substantial interest. 18 U.S.C. § 205

Note: There are exceptions to the above statutes for representing your immediate family, testifying under oath, representing another employee in personnel administration proceedings, and representing employee organizations in certain matters. See an ethics counselor for more details.

Serving as an Expert Witness

You may not serve as an expert witness, in your private capacity, in any proceeding before a court or agency of the United States in which the U.S. is a party or has a direct and substantial interest, without prior approval from the FBI DDAEO.

If you are subpoenaed to testify as an expert in any such matter, you must notify your supervisor and the DDAEO immediately and request approval to proceed.

If you receive DDAEO approval, you must still comply with FBI outside activities and work regulations. For instance, all FBI employees must obtain prior approval to engage in outside employment.

POLITICAL ACTIVITIES

POLITICAL ACTIVITIES

Political Activities & FBI Employment

Under the Hatch Act (5 U.S.C. §§ 7321-7326 and regulations at 5 C.F.R. § 734) FBI employees are limited in their participation in partisan political activities.

Permissible Political Activities -- FBI Employees May:

- Register and vote as they choose
- Assist in non-partisan voter registration drives
- Express political opinion, but not at work or not in concert with partisan political campaigns
- Be a candidate for public office in non-partisan elections
- Contribute money to political organizations
- Attend political rallies, fundraisers, and meetings
- Join and be a member of a political party or club
- Sign nominating petitions as an individual
- Wear campaign buttons outside work and when not on official duty
- Place a bumper sticker on their personal vehicle
- Place a campaign sign on their personal property
- Serve as a non-partisan election judge or clerk in polling places

Prohibited Political Activities -- FBI Employees May Not:

- Collect or handle partisan contributions or sell tickets to fundraiser
- Organize or manage partisan political campaigns, rallies, or meetings
- Circulate partisan campaign petitions
- Serve as delegate, alternate, or proxy to a partisan political party convention
- Distribute, print, collate, or circulate campaign materials for any partisan candidate
- Campaign for or against any partisan political candidate or partisan group
- Be a candidate in a partisan election
- Engage in political activity while on duty, in a Government office, wearing an official uniform, or using a Government vehicle
- Solicit or discourage the political activity of anyone who has business with DOJ
- Use official authority or influence to interfere with an election
- Wear political buttons while on duty

You should also be aware that the Hatch Act applies to your use of social media. Guidance may be found on OIC's website.

RETALIATION

Retaliation

FBI policy specifically prohibits retaliation against any Bureau employee who reports a qualifying compliance issue, including compliance with Ethics rules. See FBI Policy Directive 0727D, Non-Retaliation for Reporting Compliance Risks. Retaliation against whistleblowers is also strictly prohibited. See FBI Policy Directive 0971D, FBI Whistleblower Policy, for more information.

Retaliation occurs when an FBI supervisor or employee engages or intends to engage in conduct that adversely affects another individual as a consequence of reporting a compliance concern. Any FBI employee who makes a compliance report that is determined to be based upon a reasonable belief that a compliance failure or probable failure has or will occur is protected from adverse actions that appear related to the report. This policy is specifically designed to encourage compliance concern reporting. Retaliation simply will not be tolerated.



TRAVEL

TRAVEL

Traveling on Official Business

Generally, official travel must be paid with appropriated FBI funds. However, under certain circumstances, the FBI may be reimbursed for travel expenses by a non-Federal source. The authorities that permit this are explained below.



Travel Expenses Offered by Outside Sources

31 U.S.C. § 1353 (also see 41 C.F.R. Part 304) allows the FBI (not the employee) to accept reimbursement or in-kind donations from non-Federal sources for an employee's transportation expenses (including per diem and registration costs) to certain functions related to the employee's official duties.

Acceptance of travel expenses from non-Federal sources is only permitted when the employee's travel is for attendance at a conference, meeting, seminar, training course, speaking engagement, or similar event for the exchange of information that takes place away from the employee's official duty station. Travel under this authority may not be

TRAVEL

TRAVEL

used for events that are necessary to carry out FBI's statutory and regulatory functions (i.e., the FBI cannot accept reimbursement for travel related to an investigation, inspection, audit, or site visit).

Employees must submit a TRIP/934 request to receive approval to accept any travel expenses from a non-federal source. The approval must be completed and approved in advance of travel.

Approval for accepting travel expenses is also subject to conflict of interest considerations. Acceptance of travel expenses from outside sources will not be approved if it would cause a reasonable person with knowledge of all the relevant facts to question the integrity of the programs or operations of the FBI. The FBI DDAEO makes this determination.

It is **not** permissible for an employee to personally or directly accept any reimbursement from an outside source.

38

All preapproved offers of travel must be either:

- Paid by the offeror in checks made out to the FBI; or
- Paid "in kind" (e.g., payments for airline tickets, meals, or hotel accommodations paid directly to the service provider by the offeror of the gift).

In addition to accepting travel expenses for an employee, the FBI may accept travel for a spouse to accompany the employee to the same event where the spouse's presence is in the interest of the FBI.

Frequent Flyer Benefits

FBI employees may retain for personal use transportation promotional items, including frequent flyer miles, earned on official travel.



Bumping Rules

Acceptance and use of "free" tickets offered by airlines when an employee on official travel is "bumped" off the flight depends on the circumstances surrounding the "bumping."

You may use "free" tickets offered to you by an airline, even though on official travel, if you voluntarily give up a seat on a plane in response to an airline offer to relieve overbooking -- but only if the acceptance means your taking the later flight and delayed travel can meet all mission obligations and the acceptance does not increase any cost to the FBI. For example, if you are returning from an FBI trip on Friday afternoon and get a delayed flight that returns you home on Saturday, you could accept and use the offered free ticket only if the airline, or you, pays for any overnight stay and you do not claim any per diem or travel compensation time associated with staying another night.

You cannot use, for personal travel, a "free" ticket offered to you for being involuntarily bumped off your official duty flight. In this case, you are still on official FBI time (and can collect for any extra travel and per diem expenses and the time involved in any delay is government time). In such a case the "free" ticket -- even if in your name, must be used for future official travel.

USE OF NONPUBLIC FBI INFORMATION

USE OF FBI INFO

Use of Non-Public FBI Information

You may not engage in a financial transaction using non public information or allow the use of such information to further your private interests or those of another. Non public information is information you gain on the job and which has not been made available to the general public and is not authorized to be made available on request. There are also statutory prohibitions on the misuse of information involving national security, trade secrets, private individuals, and Government procurement. Executive branch employees are not exempt from the insider trading prohibitions arising under the Securities Exchange Act of 1934.



USE OF OFFICE

USE OF OFFICE

Use of Public Office or Position for Private Gain

As an FBI employee, you may not use your public office for your own private gain or for the private gain of friends, relatives, business associates, or any other entity, including a charity, no matter how worthy.

Except as provided by law or regulation, you may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that could reasonably be construed to imply that the FBI or the Government sanctions or endorses any of your personal activities or the activities of another.

You may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to you or to friends, relatives, or persons with whom you are affiliated in a non-governmental capacity.

Endorsement

You may not use or permit the use of your Government position or title or any authority associated with your public office to endorse any product, service, or enterprise except: (1) in furtherance of statutory authority to promote products, services, or enterprises; (2) as a result of documentation of compliance with agency requirements or standards; or, (3) under an agency program in recognition for accomplishment in support of the FBI's mission.

You may endorse an outside program in your private capacity; however, your endorsement may not make reference to your official title or position.

This product is simply outstanding; every police force should use it.

I.M. Wrong, FBI Special Agent

USE OF OFFICE

USE OF OFFICE

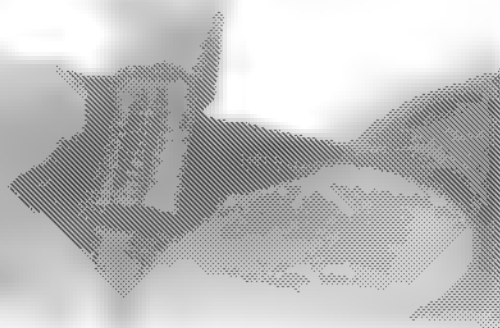
FBI employees who arrange for internal training to be given by a non-government entity (e.g., a financial planner) must: (1) not give or appear to give preferential treatment to any vendor; (2) not permit the sale of any product or service during the training; (3) prevent unauthorized use of FBI indicia by the vendor; (4) conduct an indices check unless "bona fides" are well known; and, (5) follow standard competitive acquisition policies and procedures.

Letters of Recommendation

You may sign a letter of recommendation using your official title only in response to a request for an employment recommendation or character reference based on personal knowledge of the ability or character of the person with whom you have dealt in the course of your Federal employment or whom you are recommending for Federal employment. In any case, a recommendation must only be your personal opinion and cannot appear to be that of the FBI. Include a suitable disclaimer where appropriate.

FBI Letterhead may not be used without consulting OIC.

You must inform your direct supervisor regarding the obligation or desire to provide testimony in a criminal matter in your personal capacity and coordinate such testimony with your CDC or OGC. No FBI review or approval is required prior to providing testimony in a civil or administrative matter in your personal capacity, unless the testimony is related to your official duties.



USE OF FBI PROPERTY

USE OF PROPERTY

Use of FBI Property

It is your responsibility to protect and conserve FBI-owned or FBI-leased property and vehicles and to use them only for official business or as authorized. You:

- May **not** use Government purchasing authority (including a Government purchase card or travel charge card) for personal acquisitions even if you intend to reimburse the Government
- May **not** remove Government property or files and you may NOT use Government copiers to make copies of files to take with you when leaving Government service
- May **not** use official Government envelopes (with or without applied postage) or official letterhead stationary for personal business. This includes mailing your resumes/applications for Federal or private positions or making payments to your government charge card account

Limited Personal Use of Govt Property and Time

The Department of Justice has, by regulations at 5 C.F.R. § 3801.105 and 28 C.F.R. § 45.4, allowed for the use of Government property for personal use when the expense to the FBI is negligible in cost and time.

FBI employees are generally authorized to make minimal personal use of most office equipment (e.g., computers, phones and mobile devices, and library facilities where the cost to the Government is negligible). Consult your Ethics Counselor if you are unsure what is a "negligible" cost.

For additional guidance concerning the use of specific government-issued equipment, see specific policy directives/guides.

USE OF FBI PROPERTY

USE OF PROPERTY

The following activities are absolutely prohibited on any Government-owned or leased equipment, or on Government time, and never authorized as personal *de minimis* use:

1. Accessing pornography;
2. Promotion of supremacist or racist causes;
3. Sale of products, including personal items, or services (except on authorized physical or electronic bulletin boards);
4. Gambling;
5. Sending or forwarding chain e-mails;
6. Engaging in partisan political activities; and,
7. Engaging in activity (such as sending personal messages) involving unprofessional conduct. Unprofessional conduct is defined as conduct – on or off duty – which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or his community. See FBI's Offense Codes and Penalty Guidelines.

For example, FBI employees may not access FBI databases for unofficial purposes, such as satisfying a personal "curiosity."

44

FBI employees may send out personal e-mail from a private account or from their UNET FBI account, provided that:

- Personal use of e-mail does not cause congestion, delay, or disruption of service to any Government system or equipment
- Messages are not sent to large distribution lists
- The e-mail does not relate to any activity prohibited above

USE OF FBI PROPERTY

USE OF PROPERTY

Use of Government Cars (BuCars)

All BuCars and Government leased/rented cars (where the vehicle rental and gas will be reimbursed by the FBI, e.g., a rental by an employee on TDY) must only be used for official purposes. See 31 U.S.C. § § 1344 & 1349(b). Here are some general rules for BuCar use:

- **Home-To-Work Use of BuCar.** BuCars may not be used for transportation to and from the home and workplace, unless specifically authorized in the FBI Home-to-Work Plan
- **Passengers.** FBI employees may not pick up or drive unofficial passengers in a BuCar (e.g., taking children to daycare). If the Government cost of a trip is not increased, then an FBI employee may drive another federal employee or official using the BuCar for official purposes. For example, a Home-to-Work user of a BuCar can allow another federal employee or official to come to work with them, if the other employee can be picked up with only a minor deviation from the otherwise most expeditious route.
- **Official Purpose.** Generally an official purpose does not include visits to stores, running personal errands, or driving to restaurants, theaters, barber and beauty shops, and similar personal uses. Except that:
 - **Minor Deviations.** If making an official trip in a BuCar, an employee may make a stop if the deviation is "minor" and any additional cost in time or distance is of "negligible" cost to the FBI
 - **TDY Trips.** During TDY periods, an employee may use the BuCar to visit the above locations if they are reasonably close to the TDY location or the temporary lodging location

USE OF FBI PROPERTY

USE OF PROPERTY

Use of Government Travel Cards

Government Travel Cards may only be used for payment of reimbursable official travel expenses and may not be used for any personal purchases.

Questions about allowable charges should be addressed to the Finance Division, Travel Card Program.

Use of Transit Subsidy (JETS)

JETS benefits may only be used for qualifying transportation expenses to and from the workplace, such as mass transit (subway, rail, bus) or other similar public transportation mode, and are only available for days you actually commute to work.

You must deduct the daily cost for any days during the month you are on annual or sick leave, official travel, or do not commute using qualified modes of transportation (excluding Federal holidays--as they are already part of the JETS calculation).

Benefits may not be used to pay for parking, unless specifically authorized. For example, at a mass transit facility where you get on a train or a bus, parking expenses must not be included in your estimated monthly commuting costs. However, there could be special occasions authorized (e.g., on a case-by-case basis during the Coronavirus Disease 2019 (COVID-19) pandemic).

Benefits are not transferable and you are required to return any unused benefits when you leave the FBI.

LIST OF FBI PROPERTY & USE OF TIME

10-5-2018 10:00:00 AM

Use of FBI Time

It is your responsibility to use official time in an honest effort to perform official FBI duties.



POST-FBI EMPLOYMENT

Post-FBI Employment

Seeking Post-FBI Employment

You may not participate in an official matter affecting the financial interests of an organization with which you are negotiating, or have an arrangement for or are seeking a job. Generally, you must disqualify yourself from all such matters before seeking employment. Employees participating in a procurement have to report to certain officials in writing before negotiating with a contractor competing for that procurement. Furthermore, the Office of Government Ethics interprets any form of communication regarding prospective employment with a non-Federal source (other than requesting a job application) to be seeking employment. Contact an OIG ethics counselor for advice about seeking and negotiating for employment before you begin a job search.

You are no longer seeking employment when either you or the prospective employer clearly rejects the possibility of employment. You are also no longer seeking employment if two months pass after you send an unsolicited resume and you receive no indication of interest. Any response to a prospective employer that defers discussions until the foreseeable future does not terminate employment discussions.

The Procurement Integrity Act

One-Year Ban for Certain Procurement and Contracting Officials.

If you served as a contracting officer, a source selection authority, member of the source selection evaluation board, chief of a financial or technical evaluation team, program manager, deputy program manager, or administrative contracting officer, or personally made a decision to: award a contract, subcontract, modification, or task or delivery order, to establish overhead or other rates, to approve issuance of a contract payment, or to pay or settle a claim on a contract or action over \$10 million -- you may not accept compensation (as an employee, consultant, officer, or director) from the contractor for one year following such activity. Consult your ethics counselor for additional information on the Procurement Integrity Act, 41 U.S.C. § 2101 et seq (formerly 41 U.S.C. § 423), or 48 C.F.R. § 3.104 et seq.

POST-FBI EMPLOYMENT

Post-FBI Employment

Restrictions on Post-FBI Employment

After you leave Federal service, 18 U.S.C. § 207 imposes certain post-Government employment restrictions that may limit the type of work you may perform for your new employer for certain periods of time.

Representational Restrictions

- **Permanent Restriction.** You are permanently prohibited, for the life of the *same particular matter* (e.g., contract or investigation), from communicating with, or appearing before, an employee of a federal agency or court on behalf of another person, with the intent to influence, with regard to particular matters involving specific parties in which you participated personally and substantially as a Government employee 18 U.S.C. § 207(a)(1).
- **Two-Year Restriction.** You are prohibited for two years from communicating with or appearing before an employee of a federal court or agency on behalf of another person, with the intent to influence, with regards to a particular matter involving specific parties which you know was pending under your official responsibility during your last year of Government service. 18 U.S.C. § 207(a)(2).
- **One-Year Restriction on Aiding or Advising.** For one year after your Government service terminates, you may not aid or advise any entity (other than the United States) concerning any ongoing trade or treaty negotiation in which you participated personally and substantially during your last year of Government service. 18 U.S.C. § 207(b).

Note: 18 U.S.C. § 207 does not bar an individual from accepting employment with any private or public employer. It imposes restrictions on certain communications or appearances that employees may make as a representative of a third party back to the Federal Government.

Employment relating to Foreign Entities

Under 50 U.S.C. § 3073a, former intelligence community employees must report, annually for two years following their separation, their employment activities

POST-FBI EMPLOYMENT

Post-FBI Employment

to their former agency if the former employee directly works for, represents, or provides advice relating to national security to a foreign government or an entity controlled, financed, or supervised partially or fully by a foreign government. If you believe that this requirement may apply to you, please call OIC for further advice.

Additional Laws That Apply To Former Senior Employees

[SES and Senior Level Employees above GS-15]

One-Year Restriction on Communication with their Former Agency (i.e., the FBI or other agency the employee was detailed to in last year of FBI service). If you are a "senior official" you are subject to an additional restriction that generally prohibits you from communicating with or appearing before an employee of the FBI on a matter for which you seek official action on behalf of any other person. Consult your ethics counselor for certain limited exceptions to this prohibition. 18 U.S.C. § 207(c).

One-Year Restriction Relating to Foreign Entities. For one year after leaving Government service, a former SES or SL employee may not knowingly aid, advise, or represent a foreign entity, with the intent to influence the official actions of any employee of any U.S. agency or department. 18 U.S.C. § 207(f).

"Negotiations" Notice

The STOCK Act requires all OGE 278 Filers to notify the FBI DDAEO within three (3) days of beginning to "negotiate" for post-Government service employment. "Negotiations" begin when an employee enters into discussions with another person (or their agent/intermediary) mutually conducted regarding possible employment or its terms. This is fact-specific, but you could be "negotiating" with many prospects simultaneously under these rules. If you have not already recused yourself from taking official action with regard to the interests of the entities with which you are negotiating (see p.48), you must immediately do so once "negotiations" begin. Employees may notify the DDAEO by providing a written statement signed by the employee, or submitting the STOCK Act notification form attached to an email.

ETHICS & FRAUD POCs

FBI Ethics POCs

Headquarters

FBI Deputy Designated Agency Ethics Official.....

FBI OIC Ethics Attorneys.....

Field

Chief Division Counsel.....See Field Directory

WebSite - Go to the OIC intranet web site

unclassified enclave

b7E

b7E

Fraud, Waste and Abuse Reporting

You may report incidents of actual or suspected waste, fraud, or abuse, as follows:

The FBI Inspection Division's Internal Investigations Unit:.....

b7E

The DOJ OIG at: Mail: Office of the Inspector General:

U.S. Department of Justice Investigations Division
950 Pennsylvania Avenue N.W. Room 4706
Washington, DC 20530

Email.....oig.hotline@usdoj.gov

Online..... <http://www.justice.gov/oig>

Hotline (also in Spanish).....800-869-4499

Hotline Fax.....202-616-9881

General Accountability Office (GAO)online form on www.gao.gov

Toll-Free Line.....800-424-5454

Email.....fraud@gao.gov

Fax.....202-512-2841

COMPLIANCE POCs

COMPLIANCE POCs

Compliance Concerns POCs

It is FBI policy to comply fully with all laws, regulations, and rules governing the FBI's operations, program and activities, and it is important that FBI employees raise concerns and ask questions about potential or actual non-compliance so that these issues can be examined and resolved. If you have any compliance concerns we encourage you to reach out to your supervisor, your Division Compliance Officer, or OIC's Compliance Unit.

FBI Chief Compliance Officer.....

General Referral.....

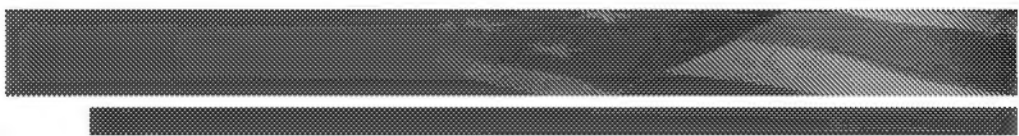
Compliance Concern Helpline.....



b7E

Note: All compliance concerns may be reported anonymously, either through the Helpline or upon request after talking to OIC personnel or your Division







- ★ ETHICS BASICS
- ★ CORE VALUES

- ★ MOTTO
- ★ COMPLIANCE

- ★ APPEARANCES
- ★ CONFLICTS
- ★ CONTRACTORS

- ★ FUNDRAISING
- ★ FINANCIAL DISCLOSURE
- ★ GAMBLING

- ★ GIFTS FROM OUTSIDE SOURCES
- ★ GIFTS BETWEEN EMPLOYEES

- ★ IMPARTIALITY
- ★ OUTSIDE EMPLOYMENT AND ACTIVITIES
- ★ RETALIATION

- ★ TRAVEL

- ★ USE OF FBI INFO (USE OF NON-PUBLIC
FBI INFORMATION)
- ★ USE OF GOVERNMENT TIME AND PROPERTY

- ★ POST-FBI EMPLOYMENT

- ★ ETHICS AND COMPLIANCE POCs